

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	
Amateur radio service Rules to Eliminate)	
Morse Code Proficiency Testing Requirements)	RM-10787
For All Classes of Amateur Licenses)	
)	
)	
To: The Commission:)	

BACKGROUND:

I have been a licensed amateur radio operator since 1961, and have held the Amateur Extra class license since 1966. Amateur radio was responsible for launching me on an engineering career in the 1960's, as it did so many others of that decade. Since 1990, I have been the Executive Advisor or Committee Chairman of Explorer Post 599 in Phoenix/Mesa Arizona. This is a high-tech/amateur radio explorer post (BSA) dedicated to advancement of amateur radio learning among youth. I also belong to a number of clubs and radio public service groups.

I recently completed a 30+ year career as a public safety telecommunications engineer and engineering manager with the State of Arizona, and am now in private practice as a public safety consulting professional engineer in telecommunications and homeland security. I hold a B.S.E.E. degree, a degree in Advanced Business Administration, and am a licensed professional engineer in California and Arizona.

POSITION on RM-10786:

I am in full support of the Instant Petition filed by the National Council of Volunteer Examiners Committee (NCVEC). This petition is in complete conformity with new ITU Regulations, and relieves the Commission and VEC=s of the burden of conducting Morse code examinations for amateur radio licenses. Further, in the FCC=s own Report and Order in 2000 on NPRM 98-143, the Commission stated that the ONLY reason for retaining Morse code testing was the S25.5 requirement in the ITU rules. That reason has now gone away with the revised ITU rules as of July 5, 2003. That means that the Part 97 Rules regarding Morse code testing are not in compliance with USC codes relating to the necessity of requirements for licenses being used only when fully justified by treaties and other obligations. Indeed, it may now be a violation of the American with Disabilities Act to continue the requirement of a 5 wpm Morse code test for ANY class of license. This leaves the government open to lawsuits under this act.

In the Commissions own narrative of 98-143, it stated that the passing of a Morse examination of any speed was in no way indicative of an amateur=s fitness to hold a Federal license, of their technical abilities, or communications skills, other than the obvious of being able to copy Morse code by ear at some designated speed. Indeed, much high-speed Morse code nowadays is conducted via a computerized program. It was also pointed out that virtually no emergency traffic is passed via Morse CW any longer. Most is conducted by SSB voice and PSK data on HF frequencies, and via packet data and FM voice on VHF and UHF frequencies. Neither is knowledge of Morse CW required to monitor marine communications, nor to be able to receive military or marine messages to avoid interference. No other radio service under NTIA jurisdiction requires knowledge of Morse code in order to obtain licensure.

Further, with most European nations now eliminating the Morse CW test for licenses providing HF access, the U.S. falls behind most of the developed world in leading amateur radio into the 21st century. Indeed, it is ironic that European amateurs with a Class 2 CEPT certificate (No-code license) can now come to the U.S. and have more operating privileges than a U.S. licensed amateur who has not passed a Morse CW test. This incongruity cannot be allowed to stand.

In view of the above, it becomes imperative that the Commission remove the Morse CW test as soon as possible. Going through a lengthy (probably 2 year) NPRM process to take comments on this issue, especially if it is mixed in with other issues of licenses classes, band privileges and power levels is simply not acceptable, and will probably lead to civil judicial action on the part of many amateurs.

The solution is quite simple, as pointed out in the NCVEC Petition. The issue of Morse CW testing has been debated extensively in year 200 under NPRM 98-143, and the issue decided both by a majority of amateurs wanting drastically reduced or eliminated code testing, and the Commission=s own comments as described above, indicating NO requirement for Morse CW testing, other than ITU S25.5. At this point, the Commission need only issue a Memorandum Opinion and Order (MO&O) eliminating the requirement for an AElement 1" (Morse CW) test from all of Part 97. This is easily done, as shown in the attachment by the similar petition by NCI (RM-10786). It results in NO Morse CW test for the General and Extra class licenses, and full Technician + (Technician with code) privileges for all Technician class licensees. No other

aspects of the current amateur licensing system are affected whatsoever. This leaves the issues of (1) How many licenses classes should there be now? (2) What band privileges should be allowed each class license? (3) What power restrictions should apply to what class licenses?, open to a future NPRM that can be debated more fully, with greater input, and without the baggage of re-debating the Morse CW testing issue.

SUMMARY:

It is clear that Morse CW testing is an anachronism in amateur radio, that is now holding it back from meeting its goals under Part 97.1. Many otherwise qualified individuals are restricted to VHF/UHF frequencies because of an arbitrary test, which has no necessity in application, and now has no requirement under international treaty. To delay implementing the elimination of the Element 1 tests risks isolating the U.S. among developed nations in their encouragement of amateur radio goals, and leaves the U.S. Government open to civil suits under the American with Disabilities Act.

The solution is for the Commission to simply issue an MO&O as soon as practical eliminating the Morse CW test, while retaining all other aspects of the current licensing system. There is ample historical precedent for such an action, when an issue has previously been debated so thoroughly as it was in NPRM 98-143 in 1999-2000.

Respectfully Submitted,

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